

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

CECIL EUGENE SHAW,  
Plaintiff,

v.

SOUTH MONTEREY ROAD, LLC, et al.,  
Defendants.

Case No.18-cv-07031-VKD

**ORDER TO SHOW CAUSE RE  
SETTLEMENT**

The Court having been informed that the parties have settled the dispute between them, all previously scheduled deadlines and appearances are VACATED.

On or before **November 29, 2019**, plaintiff Cecil Shaw and defendant South Monterey Road, LLC (“South Monterey”) shall file a stipulated dismissal pursuant to Fed. R. Civ. P. 41(a)(1)(ii). Rule 41(a)(1) permits a plaintiff to voluntarily dismiss a case without a court order (i) by notice if the defendant has not filed an answer or motion for summary judgment, or (ii) by stipulation signed by all parties who have appeared. Because South Monterey has filed an answer, it and Mr. Shaw must file a stipulated dismissal pursuant to Rule 41(a)(1)(ii).

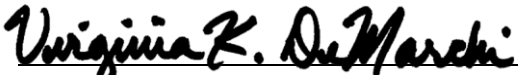
On or before **November 29, 2019**, Mr. Shaw shall file a voluntary dismissal of his claims against defendant Salabi Food Corporation (“Salabi”) pursuant to Fed. R. Civ. P. 41(a)(1)(i). Rule 41(a)(1) permits a plaintiff to voluntarily dismiss a case without a court order (i) by notice if the defendant has not filed an answer or motion for summary judgment, or (ii) by stipulation signed by all parties who have appeared. Because Salabi has not yet appeared or responded to the complaint, Mr. Shaw must file a notice of dismissal pursuant to Rule 41(a)(1)(i).

If a dismissal is not filed by the specified date, then the parties shall appear in Courtroom

1 2, Fifth Floor, 280 South First Street, San Jose, California on **December 10, 2019, 10:00 a.m.** and  
2 show cause, if any, why the case should not be dismissed pursuant to Fed. R. Civ. P. 41(a).  
3 Additionally, the parties shall file a statement in response to this Order to Show Cause no later than  
4 **December 3, 2019** advising as to (1) the status of their activities in finalizing settlement; and (2) how  
5 much additional time, if any, is requested to finalize the settlement and file the dismissal. If a  
6 dismissal is filed as ordered, the Order to Show Cause hearing will be automatically vacated and the  
7 parties need not file a statement in response to this Order.

8 **IT IS SO ORDERED.**

9 Dated: October 1, 2019

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12 VIRGINIA K. DEMARCHI  
13 United States Magistrate Judge  
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